

**DEPARTMENT OF CORRECTIONS
PRISON ISSUES BOARD
Crossroads Correctional Center
Shelby, MT
March 13, 2012**

Roll Call – Patrick Smith, Gayle Lambert, Warden Martin Frink, Roger Handa, Warden Tom Green, DW Bob Paul, Director Ferriter, Jerry Johnson

Via Vision Net – None

There is a quorum present.

“In accordance with Montana Code Annotated Section 2-3-103(1), the Board will hold a public comment period. Please note that this open forum period for comment is the public’s opportunity to address the Board on any topic that is within the purview of the Board. While the Board may or may not take action on the issues presented, the Board will listen to comments, may respond to questions, may ask that particular questions, or comments be submitted in writing, and may ask that the issue be placed on a subsequent agenda for possible discussion by the Board. The Chairman of the Board will determine the amount of time allotted for public comment.”

“Pursuant to Montana Law, the Chairman may decide to hold a meeting or part of a meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.”

Barbara Rose’s comments from the last meeting were corrected.

Jerry Johnson moved to approve the corrected minutes from the last meeting. The motion was seconded by Warden Frink. All approved – none opposed

Welcome and Introductions.

In addition to the above people, the following corrections staff were present; Wayne Bye, Billie Reich, Steve Grubb, Brenda Elias, Lena Havron, Steve Ray, Brandi Sherrard, Mike Mahoney, Louis Peterson, John Weaver and Darryl Burditt

Public attendees; Jack Garner, Allan Underdal, Kelly Durham, Daren Swenson, and Sheri Scurr

Legislative and Management Team Updates – Director Ferriter

The state facilities are aware of our goals with reentry. In the Corrections Signpost you will see there is a lot of focus on reentry. In December, the Director attended a meeting with his peers. There was a lot of emphasis on reentry. He had a meeting in DC late in December. He was joined by Pam Bunke and Representative Mike Menahan from Helena, who is also the County Attorney and running for District Court Judge. We were asked to define what our goals are. Our goal is to reduce recidivism in our state. Our recidivism is 37% from a secure facility. Recidivism is a person who leaves a secure facility and returns to a secure facility within three years from release. Montana is better than the national average. We selected a specific group of offenders – youthful offenders. These offenders are under 25 years of age, and paroled from medium or above custody level. Our goal is to reduce recidivism of this area by 10%. Beginning July 1st, these offenders will be counted. We are looking at improving expectations for this group. The first year of release is the problematic year. If they make it past the first year, they are more likely to succeed. Overall, the reentry group is focused on four targets. One is a new assessment tool, then housing, employment and family relationships. These are the areas we will expect the Case Managers and P&P Officers to keep in mind.

We are preparing for the next legislative session. Community Corrections would like Legislation for Substance Abuse Counselors to deal with gambling addictions. We are looking at potential long range building. MSP has some older buildings that need to be considered to be replaced. Sex Offender Therapist is another job that needs to be looked at. This position needs to be clarified. We are managing our populations. The county jails holds are running pretty low. Montana Women’s Prison is full.

Patrick Smith said the introduction of cell phones as contraband at facilities is something we need to discuss. Cell phones are currently listed as contraband, but Patrick was not sure if it is a felony to bring one into a facility. This is one of our biggest threats right now. Director Ferriter has attended a meeting on this topic. This is a bigger issue in other states, but we are having problems also. Warden Frink is in favor of introduction of a cell phone into a facility being a felony but wondered if in the smaller, rural areas,

would the county pick this up to prosecute? Jerry Johnson said this is a serious threat to security. Director Ferriter has a conference call on this issue and will see where other states are with this and share the information with Brenda Elias. Brenda said we need to propose making this a felony to introduce any bill. Are we also talking about jamming issues? Does the FCC get involved in this?

Mike Mahoney said the Legislators are going to want to know what this looks like from a fiscal standpoint. We don't want to get into a spot that we come up with this new legislation, and it gets clouded up with other issues. If we are going to do this, we need a pretty solid plan.

Division Updates/EPP – Warden Kirkegard

Discussion on Correspondence, Publications & Visiting – Warden Kirkegard

Warden Kirkegard could not be at the meeting. Pat Smith said there are minor changes in the works for a few policies that could affect all secure care facilities. There have been changes in the visiting areas and entrance procedures at MSP. As far as the Correspondence Policy – this is a work in progress.

Director Ferriter said Warden Kirkegard has some good ideas. Hopefully people will not take advantage of the changes. The Warden is trying to make visiting easier and more productive.

Pat Smith said this will be added to the next meeting agenda. These are just procedure changes – nothing major. The Warden has been observing and trying to make changes based on what he is seeing and hearing. At the last PIB Meeting, there were concerns brought up and the Warden went and observed visiting and addressed the valid issues.

Publications – The canteen has narrowed it down to two or three vendors. Offenders will order publications and books through the canteen. Gayle Lambert said MCE is working through the kinks.

Billie Reich said we need to work on the turn-around time for orders. Billie said the magazine committee is working out. They are using a common sense approach. This is a three person committee.

Update on Re-Entry Program – Gayle Lambert

Gayle has a demonstration grant from the US Department of Justice for a re-entry program in Billings. It is called "New Path, New Life". The second year of the program has \$293,000 funding with matching funds. This is for female offenders 26 and over who are within three years of release. They have 28 women enrolled for the first year. Most are still at the facility. There is another group of 30 starting in April. This is a demonstration grant so they can start a program that can be represented state-wide. The demonstration grant lasts until June of 2013. There is another grant dovetailing this on peer mentoring.

Gayle said August 21st-23rd is a Montana Re-Entry Conference in Billings.

Pat Smith said they have started having similar meetings at MSP. This affects the whole population. DW Swanson has been meeting with the case managers and IPPO's at MSP, so they are all working as a team on this project. People should know where to get resources so we have consistency. Hopefully we can pull it all together so the offenders know at the beginning of their incarceration what is expected of them in order to be successful, get out and stay out. People are doing lots of individual things; we are just trying to link it all together.

Bob Paul said Cindy McKenzie sent out a research paper regarding incarcerated youthful offenders. The paper has some really good information in it. This is the offenders from 18-25 years old.

Director Ferriter asked that Bob send this paper to Patrick Smith so the PIB members could look at it.

Grievance Review – Brandy Sherrard

We did have a slight rise in grievances at CCC- eleven more than January. A lot of those are related to the correspondence policy. They are seeing a lot of grievances on books, magazines and publications. Also the money orders are being looked at more closely and that is being grieved. After that, the next highest is food services. Brandy thinks this is with changes in items being switched out. The facility went from fresh milk seven days a week to powdered milk several days a week. Fresh fruit is also being grieved. Property is also being grieved.

Jerry Johnson said Brandy Sherrard does a good job.

Gayle Lambert asked if they are seeing any grievances on the MP3 Players. Billie Reich said she has seen several come in but they are still at the lower levels. Gayle said they are having software issues and they are working on them. What we did not know is this was a new project for the company, and we are continuing to address problems as they arise. Director Ferriter asked if this was being

communicated to the inmates. Gayle said the issues were at MSP and she is not sure if the offenders at the other facilities are having the same problems. Brandy Sherrard said the inmates at CCC are very frustrated because they have spent money and they want immediate results. DW Mahoney said this information has been put on the TVs. Warden Frink said they have been telling the inmates what is going on, but they want immediate results.

Gayle Lambert understands the frustration. Jerry Johnson asked Brandy if they had any issues with adapters. She said no. Billie said one of the flaws is you have to have the adapter. You cannot use the player without batteries. They are making changes and addressing issues. Gayle Lambert will make sure everyone stays informed. The Director suggested that perhaps a letter from the Department to the vendor to let them know what all the problems are would help. He asked Gayle Lambert to do this and the letter could go out to the PIB members.

Director Ferriter said Billie Reich's group just got together their annual report. Billie said they went to the facilities and did a sight review. They traveled to each facility to go over reports and get feedback. Billie said the conferences are very beneficial and they will probably do them again. In addition, they are trying to get the regional facilities on board with OMIS and the grievance system.

PREA – Last August, Billie communicated the PREA information needed to go through the Grievance Coordinators. This is working at MSP, but not the regional facilities. There is a different set-up for the regional facilities. This is just a tracking piece. At MSP, PREA complaints go through the criminal investigators. At MWP, Annamae takes care of this. CCC tracks this through corporate. Cascade turns theirs into the county investigators.

The PREA Policy is up for review. It has been condensed. The policy makes sense and Adrian did a good job. Everything needs to be tracked, even if it is not criminal. Why this came about, as an example, is if two inmates get locked up for a PREA incident, then we find there is nothing criminal, how do we look at these issues. We need a way to mesh it all together. We thought about having everyone send the information to Billie and she would centrally track it. She has to meet with Dale Tunnel and his crew.

Pat Smith said if it is working everywhere, he hates to change it, we just need a consistent way to track it all. The Director does not know if there is an EPP request for a PREA Coordinator. Lena Havron said they are looking at a grant.

Billie Reich said we should look at drafting something up for the Department saying what the recording process is. Warden Frink said we could just send the reports to the Command Post or whoever at MDOC. Pat Smith said when we lost these positions, we lost the recording process. We need to have one place to centrally pull reports. Right now, everyone is recording their own numbers. DW Mahoney said CCA has a very good process for PREA protocol. It is a very good system. Billie said she had looked at their process and she agreed it is very good. Billie said she would look at this and try and get something together so we can report out these numbers.

Gayle Lambert – We cannot get the smaller 7" TVs anymore. The vendor no longer carries them. The inmates will be allowed to keep the current TVs. Major Woods discussed this with the other facilities. We will slowly transition the TVs we have now. Gayle did not know the cost difference. Jerry Johnson said this will help with the ADA issues. The inmates would be allowed to send the old TVs home and get the new TV. DCCF just put in new TV shelves and they should be able to accommodate the new TVs. Gayle said she would get something out to the population right away. She just needed approval.

Pat Smith put together a proposed motion, "we will go with the new 13 inch flat screen TV. Inmates will be allowed to have one TV, they can purchase a new one, if they want to send out the old TV. They may keep the old 7" until it quits or they leave the secure care system. These 13" TV's will be available right away and we now sell only the 13 inch TV."

Jerry Johnson moved to approve the motion.

Director Ferriter seconded the motion.

All were in favor – none opposed.

Presentation of CCC Dog Program – John Weaver/Mark Bartosh

Kelly VanTine and Mark Bartosh are Co-Managers of the dog program. They are partners with Canine Companions for Independence (CCI). They take puppies and train them to be companions to someone who needs them. They take them as puppies. It is a rigorous selection process. The program is good for the dog handlers and the dog recipient. The dogs are good for the whole population. They have a calming effect.

The puppies arrive at the facility when they are six weeks old. They teach the basics – 35 commands. They must know these before they go back. They have a very good success rate. They do kennel in the cell. If they had to put a monetary value on the dogs, they would be about 25-35,000 dollars. The dogs are bathed once a month, they are very clean. The ears and teeth are cleaned. This makes it easier for the handicapped person to deal with. Once the dogs leave the facility, they learn to turn off light switches, carry mail or pills. You can point to something and they will go and get it. They have also gone to search and rescue programs. The dogs

are retrievers and labs, and some retriever/lab mixes. The company solely carries labs and retrievers. There are 12 dogs and 24 handlers. The cape the dogs wear is the same you see on working dogs. It allows them to go into stores and socialize when they are allowed. The dogs know when they wear the capes, they are working.

Ms. VanTine had a problem in a mall when she had one of the dogs out, and now she carries official papers from CCI when she has the dogs in public.

Two inmates gave a demonstration with the dogs. The inmates said being in the dog program is an amazing experience. One of the inmates had spent a lot of years locked up. He now looks at himself and sees what the program has done for him. It makes your time worthwhile and gives them (inmates) a way to give back.

Director Ferriter asked about the selection process for the offenders. The offenders must have six months clear conduct and be program complete. There is no time limit for inmate participation in the program. There is some turnover because of inmates leaving for pre-release, paroles and discharges.

Roundtable Discussion on Inmate/Facility Issues – Feedback by All

Roger Handa - Cascade

Roger had nothing major to report. They are getting a GED Program back up and running. They hope to be online by April 2nd for the GED Program. It is through the school district. They do have some volunteers for private tutoring. The school district is using someone they had on staff through the Adult Education Program. Right now, they are looking at two classes of five each.

Pat Smith asked the status of the electrical outlets. Roger said the County Attorney has the RFP, so they can do this with the proper procedure.

Gayle Lambert - MCE

They put in for another Second Chance Accounting Tech Grant last week for computer technology for offenders. This will start at MSP, then MWP. If successful, it will expand to the regional prisons in a year or two. Our Information Technology (IT) people do not have the IT power to support inmate computers. This would be off-line, no internet connectivity. They also need Auto-Cad in furniture and MVM. This would be on the job training for when the inmates get out. The request was for \$450,000.

They are also consolidating education and vocational education. They are utilizing staff and equipment. Now they have one Director of Education and one Deputy Warden that oversees the whole education program. They took the other Director of Education position and will hire another teacher. Offenders will have to have a GED or be on the wait list to get a GED before they can get jobs at MSP.

Brenda Elias asked if the current policy requires a GED for a work assignment. Gayle Lambert said no, but they are requiring it now. It used to be all self reported, and now they must have the documentation.

Gayle Lambert said they (MCE) are working on a re-entry savings plan. The BOP thought we already had this in place. They are working on the details. They are also in the process of hiring another re-entry case manager to work with Sam. They had great applicants. They are doing the Profile XT. The applicants are taking that now.

Brenda Elias - Legal

Brenda informed the Board the Supreme Court issued a decision. There were allegations as to whether the PIB was following the law. The Supreme Court issued a ruling on Wednesday affirming the decision of the District Court that the PIB was following the Statute requirements. This was very good news.

Lena Havron – Fiscal

We are starting the EPP Process. The meetings are in two weeks. The Prison is narrowing their list down as well as MCE. If there are any legislative requests you have, then get them to Patrick Smith.

Jerry Johnson – MSP

Eagle feathers and medicine bags – this was brought up in June of 2010 and concerns officers in all facilities. The problem is the eagle feathers are allowed if you go through the proper procedures. It is a federal permit issued under federal law. We had an inmate come back from DCCF with four feathers and a medicine bag. The policy says the inmate can have a 2 ½ x 2 1/2 inch medicine bag. Policy does not allow for adornment on the medicine bag other than beading. Interpretation of policy is the problem. Beading permits and hobby permits are problematic as they do not match what is on the feathers and medicine bags. One of the bags Jerry has was too big, and the feathers had leatherwork on them with tassels. Policy says the pouch may be beaded. Policy says feathers may be beaded. Does the inmate have to have a beading permit/hobby permit? The current answer for the feathers and medicine bag in

question was no?, maybe?. It is difficult getting consistency when we are dealing with so many tribes. We are looking for consistency so staff can determine what is allowed or not. The offender that Jerry has the feathers and medicine bag from has a pending hearing, so this is important. It is an important issue for all inmates and staff.

Louis Peterson agreed this is getting out of hand. He has been seeing beading that is gang and drug related. This is very time consuming and confusing with all the tribes and meanings. There are many tribes living in Montana.

Director Ferriter asked if the leather handle with beadwork for the feather is common or just the feather with beadwork.

Louis Peterson said he sees a lot of different things.

Director Ferriter asked if it is a problem with just allowing a feather with no adornment.

Louis said no. Each tribe is different. The other stuff is mostly ornamental. It is each person's beliefs.

Lena Havron asked if it is an option if you have a hobby permit to bead the feather and give it to family.

Patrick Smith said we can make a decision today or wait for the security chiefs. They are meeting next month. This is a DOC & MSP Policy. It is part of the religious items, attached to the property policy. By policy any requests for changes brought by inmates or staff have to be brought to the security chiefs at their annual meeting. The security chiefs then bring their recommendations of the requests to the PIB to be voted on.

Gayle Lambert said we need to make sure we have some Native Americans input in these decisions.

Mike Mahoney asked if we change anything, do we grandfather in what the inmates currently have?

Director Ferriter said we should eliminate the beadwork from the feathers and give them a maximum size for the medicine bag and make it a standard bag.

Jerry Johnson agreed that the feather should have no adornment. The bag should have a maximum size with no adornment. DW Paul said all other religious medallions have to be ordered through the canteen. Brenda Elias said it makes sense to have a standard size. We should let the security folks weigh in. How does the item get into the facility? Is this something MCE can do? Do all facilities allow the inmates to make the medicine bags? Do they need a hobby permit to make a medicine bag? Do they sell them to the other inmates? Warden Frink said they do, but they are not supposed to.

Louis Peterson said when the bags are completed or received; the inmates could take them to the sweat lodge to be blessed.

Mike Mahoney said if we get challenged, can we articulate what we are doing. Jerry Johnson said we can show there is no standard for all tribes. We do the same thing for rosary beads by restricting them to one kind.

Director Ferriter said if this group can settle on no beadwork or leatherwork on the feathers and a standard size for the bags with no beadwork, we could make a recommendation to the security chiefs. We should ask them to discuss this with Myrna or a tribal representative and the legal department.

Warden Frink moved that we recommend to the security group to allow unadorned eagle feathers and a plain leather pouch not to exceed 2 ½ inches squared with no beadwork.

Gayle Lambert asked if we will grandfather in what they have.

Brenda Elias said grandfathering defeats the purpose if we are trying to standardize to make this easier for our staff. All agreed no grandfathering.

Gayle Lambert seconded the motion. All were in favor, none opposed.

Warden Frink – CCC

We have been working on a few things. They are moving where they do hobby work so more inmates can do more hobby work. They are in the finishing stages of this.

Steve Ray – Pine Hills

Steve is excited to be back at the PIB. Pine Hills is and has been ACA certified. They are switching to performance based standards. They are doing this because it is based on continuous facility improvement. Youth Services is working on a policy to share information with the adult side. We see kids going from youth to adult custody and we would like to share the information. Pine Hills

currently has one computer class. Someone from the college comes in and teaches a computer class. Steve is looking to expand this in the future.

Brenda Elias asked if Pine Hills is not going to pursue ACA Accreditation? Steve Ray said no, they are focusing on the performance based standards.

They are also focusing on job skills. They are working on bringing the farm back. They gave the land to DNRC and now they are working on getting it back. They don't do a very good job of giving job skills to the youth.

Mike Mahoney – CCC

CCC is working on budget stuff. They have a request for the board today. It is nice to have Steve Ray back at the table. We get inmates at the adult system from Pine Hills, so it is nice to have someone here representing the juvenile piece.

Bob Paul - MWP

MWP has a lot going on now. They received a \$4500 grant for more PREA cameras. They met with Engineered Control Systems Inc on March 9th regarding their control system. Bids will be opening for the garden project. They have started composting. The medical contract is on track. They hired Betty Hansen for contract oversight at MWP. They have a good start on EPP. Some issues were referred to the safety committee and will be discussing long range building projects with Whaley tomorrow.

Warden Green – Glendive

There are no major issues other than the eagle feathers and medicine bags. Contract negotiations ended and they got a contract signed. Staffing is okay right now. The oil field boom is big and it is a huge issue. Housing is problematic now. You cannot get a hotel room in Glendive right now.

Director Ferriter

Recently we were asked from a Legislator to compare our male facilities and success rates. We tried to explain to the Legislator that none of the facilities is independent of each other. The pieces all work together. The Director wanted to compliment Wayne Bye on being one of the four graduates from our succession program.

Update on IWF Global Fund – Lena Havron

The policy is being worked and so she does not have much to update on this subject.

IWF Account Updates, Annual Budget Review, Requests, Funding Reviews & New Business – Lena Havron

IWF report passed out.

Lena does not have everyone's annual budgets finalized yet. People were still adjusting items to get the budgets in order.

MWP does not have Vision Net on their budget request and they are adding this. This will also have to include the extended warranty for Vision Net, and other facilities may need to adjust this also. Pat Smith said if we have to push the budget approvals to June, we can. Pat will email this out for a vote if Lena gets them from everyone, if not we will put it on the June agenda.

IWF Requests

MWP IWF Budget Request

MWP brought one request to the group. They are putting in a garden project. Already have some of the work done. They need to put a fence around it. With a fence, it allows all offenders access to the garden project. The request is for razor wire, footings, complete fence, including a gate. The vendor is the Great Plains Fence Company and the bill is \$18,788. DW Paul is asking for help from the facilities. He asked if we could use the global fund, and Patrick Smith said not yet as that policy is not ready yet. The other facilities could offer to spend some of their money to help if they so choose.

Lena Havron told him he had to have enough money in MWP's funds. DW Paul said they would have to cut about \$4000 from the request. Lena told him he should not use IWF funds for the razor wire, because it is a security thing. DW Paul said MWP could probably absorb the razor wire cost. Director Ferriter asked if we could only let close custody offenders use the garden if there is razor wire? We also need to keep some people out of the garden. The razor wire is \$1335.

Roger Handa said Great Falls was able to pick up some razor wire from one of the bases, and they may want to look into this.

Warden Green moved for MWP to use MWP IWF funds for the garden fence. Jerry Johnson seconded the motion. All were in favor, none opposed.

The garden shed was cut from the budget. MSU-B can supply a teacher and MWP can make the shed.

CCC IWF Budget Request

Mike Mahoney would like to start a Pacific Institute New Directions/Steps Program at CCC. They would like to start the program in July. They will have Winnie Ore in to do the training. The facilitators at MSP and MCE have offered to come up and work with them.

Director Ferriter said this is CCA's response to what he asked all of us to do for recidivism.

Lena Havron said if we do this and use global funds, we should do this across the board. We need to have some Pacific Institute Program for all the facilities. Patrick Smith said our other option would be to have CCA work with Lena on their budget to get this going. The proposal is for \$5240.

Jerry Johnson moved for the use of MSP IWF funds to get the New Directions and Steps Programs started at CCC. Handa seconded the motion. All were in favor, none opposed.

Great Falls – no IWF requests

MCE – no IWF requests

Glendive – no IWF requests

Lena will work with the facilities on IWF budgets.

Public Comment Period

Sheri Scurr -

Sheri wanted to offer comments about the Law and Justice Committee. The next meeting is April 19th and 20th. They will review agency legislative bills at that time. She is interested in working with the Department on working with our victim impact panel. She is also finding that some Legislators are very interested in the re-entry issue. She would like to marry up this with the Victim Impact Panel. She had questions regarding ID cards for re-entry, technical violations and CCC staff shortages.

Director Ferriter said the review of staffing at CCA is scheduled for the June meeting.

Brenda Elias said she appreciates Sheri's efforts regarding educating herself on what we do.

Allan Underdal -

Allan thanked everyone for coming up to Shelby today and being part of the community. He wanted to answer something Sheri brought up. Employees and being fully staffed – A lot of that has to do with housing in the area. They are going to do some planning on the economic development in the area. There are some housing shortages. They hope to be able to use a planning grant to help in this area. They hope to be able to draw people to the area to build. They have a couple folks interested in building for people who are interested in working in this area. It is not just a Toole County problem, it is a global problem.

Sheri Scurr -

Sheri is now here as a family member and a victim. A couple years ago, her family was shattered when she found out her husband was guilty of investment fraud. Her husband is an inmate in Shelby. They have two children. She called Sally Hilander as a victim. Linda Moodry was wonderful. Brandy has been helpful. It might be nice to have a family coordinator/resource officer. When she called, she ended up with the victim services coordinator. She is a victim and is very angry. She is concerned about the book policy. Many of the books that she wanted to order are from a publisher called the Deseret Company. She does not know if it is on the list. Has a problem sending the money to her ex-husband because she is not immediate family and she is not sure he would buy what she wants him to buy. There are so many hoops to go through. She does not understand the rules. Her husband went to the library and picked up a Penthouse book, but she cannot get the Book of Mormon for him. He is 65 and has a top bunk. Why is he on the top bunk? He is disfigured because he fell trying to get off his bunk. The phone system is very difficult. It is very difficult when the kids are looking forward to a phone call and the phone cuts off and the kids don't get to finish the call. Laundry – every time she comes to Shelby, he has a shirt that looks like rats are in it. The shirts aren't white. When he sends his clothes to the laundry, they don't come back white.

There were no other public comments.

Steve Ray offered to host the next meeting at Pine Hills. The tentative date of the next PIB meeting is June 12, 2012.

Other Security/Confidential Issues – If Needed

The last portion of the meeting will be held in closed session pursuant to Montana Law. The Chairman has decided to hold the last portion of the meeting in executive session due to interests of individual privacy, or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if disclosure of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility.